

Alexander Williams jr 1411801632
G.R.V.C.
09-09 hazen Street
Queens, New York 11370

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2021 MAR 22 AM 10:30

Re: Summary Judgement Possible Amendmenet
19-CV-3347 [JLC]

March 12, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PRO-SE INTAKE UNIT
500 PEARL STREET
NEW YORK NY 10007

DEAR JUDGE JAMES L. COTT

Earlier this week I submitted my response to the defendants request seeking summary judgement.

In their request I realized that they made the ICR status the lenth in their legal argument which I could not have properly defended myself in regards to because there was not much that I knew in regards to me being ICR and I had pending ART 78 in the courts in this matter.

Today I was called to a Counsel legal visit via computer where I met with a lawyer from the legal aid department by the name of Alexandra Anthony, who informed me that she represented me in the ART 78 that I filed for in Bronx County Under Index No. 340028/2021

A copy of that article 78 is enclosed herein this letter.

She explained to me that on three occasions thus far that she has requested the notice that was supposed to be given to me informing me that I am ICR from NYC Dep't of Corrections and on each occasion those records have not yet been produced.

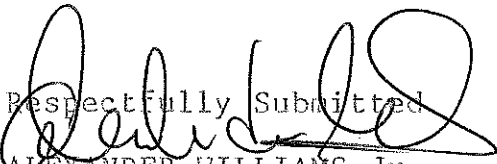
This is now a crucial part in my reply because I did not know That I am become ICR because I was never served any misbehavior reports in regards to introducing contraband into the facility at all.

Just as in ART 78 100464/2020 the facility and the defendnat(s)/ respondents somehow came up with an incident or a move thatx I was never informed of , never afforded a hearing and/or given any type of notification in, which I have a right to.

Mrs Anthony explained to me that if this notification isnt produced on the 17th of March that she will ask for the judge in the ART 78 to issue an order removing said status from my institutional records.

I thought that the Court should be abrested in regards to this matter as well as taking this information into to consideration when ruling on the Summary Jdugement and my response to the defendant(s) summary Judgement also.

If the Court sees that i need to ^{amend} ~~amedne~~ my reply before it entertians this I ask that I be sent a copy of my reply as I did not have ti9me to make coipes because of the fact that the facility law library was closed on that day due to being shift reduced.


Respectfully Submitted
ALEXANDER WILLIAMS Jr.

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY

ALEXANDER WILLIAMS JR

PETITIONER,

ORDER TO SHOW CAUSE

INDEX NO. 340028 / 21

-AGAINST-

WARDEN OF G.R.V.C FACILITY, WARDEN
JEAN H. RENE

RESPONDENT(S),

FOR A JUDGEMENT PURSUANT TO ARTICLE 78
OF THE CIVIL PRACTICE LAW AND RULE

Upon the annexed affidavit in support of an Order to Show Cause of ALEXANDER WILLIAMS JR, verified and sworn to on the ___ day of February 2021, IT IS ORDERED, that the respondent WARDEN JEAN H. RENE, show cause at a Term of this Court, to be held in the county of BRONX NEW YORK on the ___ day of _____ 2021 or soon thereafter as the Counsel may be heard, why judgement should not be made and entered in this matter pursuant to Article 78 of the Civil Practice Law and rules:

1. VACTING and setting aside the respondents determination that the petitioner is an ICR inmate. (INMATE RECIPANT CONTRABAND)
2. DIRECTING respondent to IMMEDIATELY REMOVE this classification from the petitioners floor card, institutional card and institutional records.
3. GRANTING such other further relief that the Court may deem just and proper.

ORDERED, that service of a copy of this Order, together with the papers upon which it is granted be deemed sufficient if served upon the respondent by mail from facility mailroom at G.R.V.C. rikers island.

ENTERED:

JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: EX-PARTE MOTION TERM

IN THE MATTER OF THE APPLICATION OF

ALEXANDER WILLIAMS JR
PETITIONER

-AGAINST-

WARDEN OF G.R.V.C. JEAN H. RENE
RESPONDENT

FOR A JUDGEMENT PURSUANT TO ARTICLE 7B
OF THE CIVIL PRACTICE LAW AND RULES

AFFIDAVIT IN SUPPORT
OF
ORDER TO SHOW CAUSE

INDEX NO. 340028 126

STATE OF NEW YORK)
) SS.:
COUNTY OF QUEENS)

I, ALEXANDER WILLIAMS JR, being duly sworn, deposes and says:

1. I am the petitioner in the above-entitled actions/proceedings.
2. I am making this affidavit in support of my annexed application for an Order to Show Cause pursuant to Article 7B of the Civil Practice Law and Rules which challenges the respondent named herein determining the petitioner as being ICR in classification.
3. The petitioner was housed at the Manhattan Detention Complex from Jan 2019 until Nov 2020 and while during this time period was reclassified as being an ICR inmate.
4. That facility is closed now and the petitioner is now detained at the G.R.V.C. facility where the respondent Jean H. Rene is the warden at the time of the filing of this order to Show Cause.
5. Exhibit -A is a grievance where the petitioner grieved the matter that he was reclassified as ICR inmate without being granted a hearing where he could present evidence, witness(es) and legal argument in support of why he should not have been classified as ICR.
6. It is the petitioner's legal argument that he has the right to due process in the form of a hearing before being reclassified in this matter.

7. Since the respondent is the warden in the facility where the petitioner is detained at and where this classification is on the petitioners card at this facility then the respondent must be answered to Show Cause as the reason why the petitioner's request for removal of this classification should not be granted if the facility and/or department in its entirety does not have an official record of the petitioner being afforded a hearing in relation to the matter that lead to the reclassification deeming him to be ICR inmate.

8. The petitioner seeks to proceed by Order to Show Cause rather than by notice of Petition because petitioner, being incarcerated, also can not personal service of the papers within the respectfully time and requests that the timely service be deemed sufficient.

9. Petitioner designates Bronx County as the place of Venue.

10. No previous application for relief requested herein has been made.

WHEREFORE, I move by annexed application to proceed as poor person.

FURTHERMORE, petitioner respectfully request that this court enter an Order directing respondent to Show Cause why a judgment should not be made and entered pursuant to ARTICLE 78 of the Civil Practice Law and Rules granting the petitioner the relief sought herein this matter.

DATED: FEBRUARY 6 2021
COUNTY OF BRONX

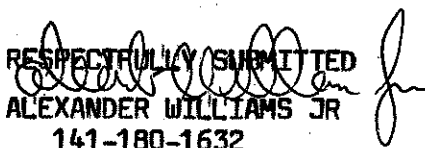


RESPECTFULLY SUBMITTED

ALEXANDER WILLIAMS JR
141-180-1632
G.R.V.C.
09-09 HAZEN STREET
QUEENS, NEW YORK 11370

EXHIBIT - A

ATTACHMENT - C

Inmate copy

		CITY OF NEW YORK - DEPARTMENT OF CORRECTION		
		OFFICE OF CONSTITUENT AND GRIEVANCE SERVICES		
DISPOSITION FORM		Form.: 7102R Eff.: 8/23/19 Ref.: Dir. 3376R-A		
Grievance Reference #: 340530		Date Filed: 09/18/20		Facility: MDC
Inmate Name: WILLIAMS, ALEXANDER		Book and Case#: 141-18-01632		Category: N/GCLASSIF
From OCGS Inmate Statement Form, print or type short description of grievance:				
Today it was brought to my attention that I have ben classed as being an I.R.C. inmate/deteninee. I have never been caught with any contraband, nor have I ever recived a disoplanary ticket for possession of contrababand I have never been to a I.R.C. Hearing or notified of this before hand and given the opportunity to challenge this.				
Action Requested by Inmate: A hearing Toi challeheneg I.R.C., where I could present eveidence in the matter.				
STEP 1: FORMAL RESOLUTION				
Check one box: <input type="checkbox"/> Grievance <input checked="" type="checkbox"/> Submission is not subjected to the Grievance Process The Office Of Constituent and Grievance Services proposes to formally resolve your grievance as follows below. Alternatively, OCGS staff shall provide an explanation for why the submission is not subject to the OCGS process. Grievances not subject to the Grievance Process cannot be appealed.				
On 09/18/20 The OCGS reviewed your complaint and determined that it is not under the purview of OCGS; however it has been forwarded to the Head of the Facility for further review and handling.				
CHECK THE APPROPRIATE BOX BELOW AND PROVIDE YOUR SIGNATURE (Failure to sign forms will forgo your right to appeal the proposed resolution.)				
<input type="checkbox"/> Yes, I accept the resolution <input type="checkbox"/> No <input checked="" type="checkbox"/> I request to appeal the resolution of this grievance to the Commanding officer.				
<small>Note: If you appeal, the grievance staff can request for a preliminary based review if they feel the complaint was thoroughly investigated and addressed, prior to forwarding to the Commanding Officer. You will receive the outcome of this review within (3) business days to inform you the appeal will proceed or you exhausted administrative remedies. Grievance not subject to the Grievance Process cannot be appealed.</small>				
Inmate's Signature: <i>[Signature]</i>		Date: 09/21/2020		
<input checked="" type="checkbox"/> Preliminary Review Requested				
Grievance Coordinator/Officer Signature: <i>[Signature]</i> #11351		Date: 9/18/20		



CITY OF NEW YORK - DEPARTMENT OF CORRECTION

OFFICE OF CONSTITUENT AND GRIEVANCE SERVICES
INMATE STATEMENT FORMForm: 7101R
Eff: 2/25/20
Ref: Dir. 3376R-A

Inmate's Name:

alexander williams jr

Book & Case #:

1411801632

NYSID #:

Facility:

M.D.C.

Housing Area:
9 NORTHDate of Incident:
09/16/2020Date Submitted:
09/16/2020

All grievances must be submitted within ten business days after the incident occurred, unless it's a sexual abuse or harassment allegation. The inmate filing the grievance must personally prepare this statement. Upon collection by the Office of Constituent and Grievance Services (OCGS) staff, OCGS staff will time-stamp and issue it a grievance reference number. OCGS staff shall provide the inmate with a copy of this form as a record of receipt.

Grievance:

TODAY IT WAS BROUGHT TO MY ATTENTION THAT I HAVE BEN CLASSED AS BEING AN I.R.C. INMATE/DETENINEE. I HAVE NEVER BEEN CAUGHT WITH ANY CONTRABAND, NOR HAVE I EVER RECIVED A DISOPLANARY TICKET FOR POSSESSION OF CONTRABABAND. I HAVE NEVER BEEN TO A I.R.C. HEARING OR NOTIFIED OF THIS BEFORE HAND AND GIVEN THE OPPORTUNITY TO CHALLENGE THIS.

ction Requested by Inmate: A HEARING TOI CHALLEHENEG I.R.C., WHERE I COULD PRESENT EVIDENCE IN THE MATTER.

ase read below and check the correct box:

you agree to have your statement edited for clarification by OCGS staff?

Yes ☐No ☒

you need the OCGS staff to write the grievance for you?

Yes ☐No ☒

ve you filed this grievance with a court or other agency?

Yes ☐No ☒

you require the assistance of an interpreter?

Yes ☐No ☒

Inmate's Signature:

Date of Signature:

09/17/20

FOR DOC OFFICE USE ONLY

OCGS MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

THIS FORM IS VOID UNLESS SIGNED BY THE INMATE AND GRIEVANCE COORDINATOR

STAMP

Grievance Reference #

340530

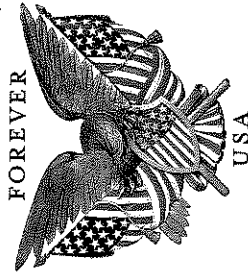
Category:

Non-grievable

Office of Constituent and Grievances Services Coordinator/Officer Signature:

Gouldman

al22ndr2 william 1411801632
04-09 near st
Ovens ny 11370



RECEIVED
SDNY PRO SE OFFICE

2021 MAR 22 AM 10:25

SDNY
MAR 23

United States District
Southern District of N.Y.
100 SE Fokelle Ave
500 Ford St
New York - NY

2021 MAR 22 10:15 AM

